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Division of Disability and Rehabilitative Services
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Agency Responses to Public and Written Comments

The Family and Social Services Administration (FSSA) – Division of Disability and Rehabilitative Services (DDRS) received written comments from 11 individuals via the public comment email address. Below are the comments, which have been summarized by topic, and the FSSA – DDRS' responses to those comments.

1. Comment: The rate increase being proposed does not cover structured family caregiving.

Response: DDRS appreciates your feedback regarding Structured Family Caregiving (SFC). The 2.5% rate increase being proposed for the identified services associated with the Community Integration and Habilitation (CIH) Waiver include those services that were intended to be restored from a rate reduction in 2010. SFC was not intended to be included in the 2.5% rate increase. The method and description for a rate increase for this service is not listed in IC 12-28-5-18.5 (c) nor is it one of the services that incurred a rate reduction in 2010.

SFC is a valuable service. DDRS will continue to evaluate rate methodologies for waiver services, including respite and therapy services, to ensure these services are adequately supported.

2. Comment: Clients may lose services, and it appears more money is going into administration

Response: DDRS is unable to comment on how provider agencies determine their budget structures. Provider agency administration costs vary from one agency to another. Thank you for sharing concerns and your comments.

3. Comment: It isn't clear in the amendment language how an individual's services on the FSW or CIH would be impacted. How will FSSA ensure projected funds will be available in 5 years? The rate increases are needed to maintain staff quality and continuity.



Response: Thank you for your comment. The Family Support waiver has an individual budget cap of \$16,545; which will remain unchanged. The rate increase may impact an individual's service hours, depending on an individual's current service utilization, and the services the individual chooses over time. The projections, which are based on current services and enrolled participants, are subject to change depending on various factors; including subsequent waiver amendment changes, waitlist, capacity, and future program changes.

4. **Comment:** Rates for some services, such as PAC and transportation encourage service provider agencies to be selective as to which services they will agree to provide based on the reimbursed.

Response: Thank you for sharing your comment and concern. DDRS will continue to evaluate PAC and transportation services to assess the rate methodology, as well as the service definitions in an effort to encourage services and supports that incentivize employment and greater community integration. For continued, specific concerns related to service provider options and provisions of needed services, please contact your local Bureau of Developmental Disabilities Services office for support and assistance.

5. **Comment:** How will DDRS ensure no services are lost as a result of the rate increase?

Response: Thank you for your comments. In some instances, members or service recipients may see a reduction in services. Case managers will be informed of waiver recipients' options. Teams should meet to discuss any potential reduction in service and identify any alternative services within the waiver that may meet an individual's needs. DDRS appreciates the suggestions related to implementing the rate increase. DDRS will notify families of their appeal rights with the issuance of a notice of action. Additionally, DDRS will strive to implement the provider rate increase in a manner that allows teams to plan services appropriately.

6. **Comment:** It is great to offer a more inclusive service to those who have higher needs - clarify if an individual must live alone to qualify for one of the IRS services.

Response: DDRS appreciates your comments. Public comment for the original CIH waiver amendment has closed. The intensive services proposed under the CIH waiver amendment are still proposed and pending with the Centers for Medicare and Medicaid Services.

7. **Comment:** Notice is misleading and leads people to believe a reduction in services will not occur.

Response: It is possible for some individuals to experience a reduction in services, depending on the services they receive and their level of utilization. The proposed

waiver amendment does not change the types of services covered or who is eligible for the services.

8. Comment: Rate changes are great for providers but do not address a needed rate increase for therapy and nursing respite - both are difficult to find and agencies report the rate of reimbursement is too low to provide the service.

Response: DDRS appreciates your comments. The rate changes proposed in this amendment are pursuant to Indiana House Enrolled Act 1001, effective July 1, 2015 - section 137, page 169, which is codified in IC 12-28-5-18.5. DDRS will continue to evaluate rate methodologies for waiver services, including respite and therapy services, to ensure these services are adequately supported.

9. Letter submission from The Arc – letter summarizes concerns regarding the rate increases and the potential impacts to waiver recipients' budgets. While the rate increases help address a significant DSP issue, to decrease the services to individuals with intellectual and other developmental disabilities to make room for an increase in reimbursement rates for certain waiver services goes against the intent of the language of HEA 1001-2015.

Response: DDRS appreciates your comments. The rate changes in the proposed amendment are pursuant to Indiana House Enrolled Act 1001, effective July 1, 2015 - section 137, page 169, which is codified in IC 12-28-5-18.5. DDRS will monitor the impact of the associated rate increases to assist individuals and their families in planning or modifying services.

10. Letter submission from IPAS – letter summarizes various service changes outlined in the CIH waiver amendment unrelated to the 2.5% rate increases the current amendment section posted for public comment addresses.

Response: DDRS appreciates your comments. Public comment for the CIH waiver amendment has closed. The services proposed under the CIH waiver amendment are still proposed and pending with the Centers for Medicare and Medicaid Services.

Summary of Rate Increase Language in CIH Waiver

ADDENDUM FOR LEGISLATED RATE INCREASES

In 2015 FSSA/DDRS was legislatively mandated through Indiana House Enrolled Act 1001, (effective July 1, 2015

<https://iga.in.gov/staticdocuments/5/3/8/6/53861fe8/HB1001.05.ENRH.pdf> - section 137, page 169) to implement a 2.5% provider rate increase on July 1, 2015 and an additional 2.5% rate increase on July 1, 2016. The rate increases may result in service changes for participants. The July 1, 2016 rate increase applies to the following services: Community Habilitation – Individual; Facility Habilitation – Individual; Respite; Residential Habilitation & Supports (hourly & daily). Page 14 of 52 Case Management services for the CIHW are scheduled to incur a 5% rate increase but will not lead to any impact to participants’ amount of services. The rate increases will have no impact and result in no differences between services covered in the approved waiver and those covered in the amendment. The rate increase has no impact on the continuation of services covered in the currently approved waiver and adds no specific limitation to the amount of any waiver service that may be utilized by a waiver participant. The rate increase has no impact on which waiver participants served under the existing, approved waiver will be eligible to participate in the waiver program once amended. All participants will be notified of the legislated changes by their Case Manager and will be informed of the opportunity to request a Fair Hearing. As described in Appendix F-1, all State issued decisions related to participant service plans contain an explanation of how to request a Fair Hearing